

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

BIGLER JOBE STOUFFER, II,)
Petitioner,)
v.) **Case No. CIV 19-013-JHP-KEW**
MIKE CARPENTER, Warden,)
Respondent.)

OPINION AND ORDER
DENYING CERTIFICATE OF APPEALABILITY

On April 18, 2019, the Court dismissed without prejudice Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 for failure to comply with an Order by the Court (Dkt. 10). Petitioner subsequently filed a motion for certificate of appealability (Dkt. 13).

To obtain a COA, a petitioner must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

[W]hen the district court's decision rests on procedural grounds . . . the applicant must show both "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling."

Small v. Milyard, 488 F. App'x 288, 290, 2012 WL 2626923, at *2 (10th Cir. 2012) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

After careful review, the Court finds Petitioner has failed to meet the burden for issuance of a COA.

ACCORDINGLY, Petitioner's motion for certificate of appealability (Dkt. 14) is DENIED.

IT IS SO ORDERED this 7th day of June 2019.


James H. Payne
United States District Judge
Eastern District of Oklahoma